

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFREY LEVITIN as Trustee of the
ELLMAN SAVINGS IRREVOCABLE
TRUST,

Plaintiff,

09 CV 110

v.

ORDER TRANSFERRING
ACTION TO THE DISTRICT
OF NEW JERSEY

AMERICAN GENERAL LIFE
INSURANCE COMPANY,

Defendant.

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A P P E A R A N C E S
SCHINDEL, FARMAN, LIPSIOS, GARDNER
& RABINOVICH LLP
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New York, NY 10122
By: Ira S. Lipsius
Attorneys for Plaintiff

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EDELMAN & DICKER LLP
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By: Robert P. Lesko
Attorneys for Defendant

JOHNSON, Senior District Judge:

This matter having been brought before the Court on Defendant's motion to
dismiss or transfer the action to the first-filed action between the parties currently

D+P

pending in the United States District Court for the District of New Jersey,
American General Insurance Co. v. Ellman Savings Irrevocable Trust, 08CV5364
(MLC-TJB); the Court having reviewed the submissions of the defendant in
support of the motion and plaintiff's opposition thereto; the Court having held oral
argument on March 17, 2010 and finding therein that exception to the first-filed
rule is absent;

The Court HEREBY GRANTS defendant's motion and directs the Clerk of
the Court to TRANSFER the within action to the District of New Jersey, to be
consolidated with the pending action styled American General Insurance Co. v.
Ellman Savings Irrevocable Trust, 08CV5364, (MLC-TJB).

SO ORDERED.

Dated: March 17, 2010
Brooklyn, NY

- s/Sterling Johnson, Jr.

Sterling Johnson, Jr., U.S.D.J.